ALBANIA YESTERDAY AND TODAY

646 who is in full possession of all his citizenship rights and can read and write the Albanian language, may be elected as a deputy.

641 All citizens are equal before the law and their citizenship and political rights secured.

425 Confiscation of property is definitely abolished.

659 The State recognizes no official religion, all religions are equal and have full rights and receive equally favorable treatment in every respect.

641 Foreigners enjoy equal rights with Albanian citizens, except they cannot vote nor hold parliamentary and certain other offices.

645 The official business of the State is carried on by the eight Ministries, namely: Ministry of Interior Affairs (Ministria e Punëve të Brëndëshme), Ministry of Justice (Ministria e Drejtësisë), Ministry for Foreign Affairs (Ministria e Punëve të Jashtme), Ministry of Public Instructions (Ministria e Arësimit), Ministry of Finance (Ministria e Financave), Ministry of National Economy (Ministria e Ekonomisë Kombëtare), Ministry of Public Works (Ministria e Punëve Botore), and Ministry of National Defense (Ministria Komonda e Përgjithshme e Mprojtjes Kombëtare).

[Constitution]

Private property may be limited, and when the general welfare of the community calls for it, it may be expropriated by a law, which shall provide in each case what the amount of compensation shall be to the owner. 421 [425]

Likewise other branches of economy or enterprises may also be nationalized whenever the interest of the people demands or requires it. 471

Monopolies, trusts, cartels, etc., created for the purpose of imposing prices and monopolizing markets to the detriment of national economy, are prohibited.

ARTICLE 10

The land belongs to those who till it. The conditions under which an institution or a person can own land which they do not cultivate shall be established by law. 423

Large estates may under no circumstances be owned by private individuals.

The maximum amount of land that may be owned individually is determined by law.

The state especially favors and protects the small and middle peasants by its economic policy, by means of credit, and by its taxation system. 652

ARTICLE 11

The state, by means of economic and other measures, encourages the working classes to unite and organize themselves against economic exploitation. 466

The state protects the workers by guaranteeing them the right to organize, by limiting their hours of work, and by establishing minimum wages. The state supports the workers by means of social security laws and vacations with pay at the expense of the employers.

The state especially protects minors by regulating their employment. 464

TITLE III

Rights and Duties of Citizens

ARTICLE 12

All citizens are equal before the law. They must obey the Constitution and all laws of the land. 641

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till. In the first case he might have his house or field adjoining the road and find his dog biting strangers and shot for its pains, his children killed by passing horses or cattle, and his crops, vegetables, vines or fruit damaged or plundered. Or the road might cross his field necessitating a fence on both sides, thus preventing his sheep from passing freely from one part of the field to another, besides involving him in expense for making and maintaining it. In the second case he might wish to plough up the road, a good plea since the law said 'Agriculture can move a highway', and more pithily, 'spades can shift roads'. If the elders on investigation considered his request justifiable, they gave him leave to close the old road. They required, however, that he should provide a satisfactory substitute, not by a stream where sheep might drown or across a precipice where they might break their necks; if the precipice could not be avoided, the rock had to be blasted away with dynamite. The new road could not be far from the old one, a distance of 200 metres being the maximum allowed. It had also to be made by the man's own unaided efforts, without any help from the community, and it had to be well made. If it was poorly made, the man suffered himself when he came to grief on it and had to pay damages when another did so; he was also laughed at by his neighbours as a foolish creature who did not know how to make a road; often they went and reopened the old road. In Fulqet it did not matter if the public was inconvenienced by the change; the law said 'land must not be spoiled'. In the Breg i Matit, on the other hand, the new road had to be shorter and so more convenient. A curious point in Krasniqë was that if a man ploughed up his field he could reduce the public road to the width of a footpath; this was little more than a gesture, since oxen and horses could not in any case use the road after the field was sown and a footpath was wide enough for other traffic. In Martanesh it was never lawful to plough up a public road, perhaps because the fields were few and very scattered, and the roads few, long and often dangerous.

In case of clear necessity an old public road might be moved on the initiative of the elders. If, for example, it was inconveniently crooked or became a morass in winter, they could divert it to better ground. The old road became the property of the man whose land adjoined it. The men whose land was taken for the diversion received no compensation. They often threatened to kill the elders, but for sole reply received an exposition of the law; they might

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tribal, religious or personal—fostered the belief that moving boundary stones made things specially hard for the sinner in the next world. In this world the elders punished the misdeed with a heavy fine—of varying amount in Mirditë, 30 rams and an ox in Bicaj of Lumë, 3000 grosh and 6 rams in Kastrat, and a Turkish pound and boycott in Godolesh. Everywhere the sinner was publicly disgraced even if he was not always boycotted as in Godolesh, and he had always to compensate his victim financially. He had in fact stolen land, a valuable article of property as representing a man's livelihood. Consequently his crime was punishable as a bad form of theft. In Mirditë a man who had not only moved the boundary stones but also killed his neighbour was fined 100 rams and an ox and publicly executed for his double crime.

Yet in Mirditë one very primitive method of moving a tribal boundary was permissible. If a man had no forest or other source of timber and he had desperate need of this, he might take his axe and go to a forest in a neighbouring tribe—naturally he did not penetrate very far from his own tribe's boundary. The noise his axe made as he felled and lopped a tree soon brought up the foresters. If he had presence of mind and strength of arm enough to drive his axe up to the shaft in the fallen tree, and if the foresters could not pull it out, the boundary of his tribe was advanced to the tree. This was the manner in which Gjokë Buca of Kaçinar won forest from Kushnen. The method may have been peculiar to Mirditë.

In the Malësi e Madhe a man who had a spinney might refuse to permit his neighbour who had none to cut timber to fence in his property. He might want to cut the timber himself next year. It was his own business whether he sold it or not. The other was getting food from his field; let him go and buy or beg wood elsewhere for his fence. Presumably what went for an individual tribesman went for his village or tribe.

When disputes arose, efforts were made to settle them before they ended in bloodshed. Two types of dispute were distinguished, public—as arising between tribe and tribe, village and village, ward of a village and ward of a village—and private, as arising between individual and individual.

Settlement in private disputes might be effected by the parties themselves, by elders or by the government. The first method was

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the matter and asked them to set up the boundary stones where they thought right. But sometimes many lives had been lost in the interval. Once the elders of Bytyç found, when summoned to intervene in a boundary dispute between Gash and Krasniqë, that in two days it had cost the lives of 124 men.

Characteristic processes often marked the arbitration. For example, when two village wards quarrelled in Çermenikë, the chief elders of the village summoned two of the oldest men in each and questioned them separately in the presence of witnesses. If their answers tallied, there could be no more question where the boundary lay. For ratification the old men were asked to walk along it, earth and stone on their shoulder, or to swear formally to its being the correct line. If there were discrepancies in their answers, the dispute was referred to the government authorities in Elbasan or, more probably, to elders from another village. If two villages of Kthellë quarrelled the three bajraktars went with the leading men and a sufficient number of hangers-on to the boundary. One village said where the line was, the other contradicted this. Finally, the most important of the bajraktars, lifting a stone set it on the shoulder of an old, wise, upright man and bade him set it down exactly on the boundary. When he had done so the line was established beyond controversy and no more murder could be done for it.[1]

To begin with the bloodshed method, if different villages or tribes were involved, when men quarrelling over a boundary or shepherds jostling over a grazing ground killed each other at the very time that the boundary was being delimited, there was no more need for elders. The tribal or village boundary was where heaps of stones marked the graves of the murdered men. If it was from a distance that they killed each other, the boundary of each village or tribe was by his grave and the ground in between became the common property of both. If one was only seriously wounded and was able to stagger or roll himself along into the foreign territory before he died, a cairn of stones was piled over him where he died, and though in foreign territory, became the boundary of his village or tribe. Boundaries so established were the most permanent; the

[1] In Mirditë boundary disputes between villages and tribes were sometimes decided with bloodshed or a rock, obviously very primitive methods. Indeed the latter, a glorification of physical strength, seems to antedate the discovery of gunpowder.

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greediest man would not venture to disturb the cairn or to steal land for which another had lost his life.

Near boundaries of villages and tribes might be won with a boulder and distant boundaries with a slab of rock. In the former event what was a contest in throwing the heavy weight took place; in so poor a country the weight could only be a stone. When the two tribes had quarrelled over a boundary each selected a champion athlete to throw the weight. Whichever threw it farthest won the land in dispute for the tribe. Father Gjeçov does not make it clear where the men stood for the throw. When more distant boundaries were in question, each champion carried a slab of stone or a rock on his back until he dropped under it. The one who held out longest won all the ground he had covered for his tribe.

The relations between a boundary and adjoining structures, such as a fence, wall or house, and natural features like hedges, trees and ditches, were as carefully regulated as the site of the boundary.

A fence or a wall generally enclosed a farmyard and sometimes a field, a vineyard or the like. Fences were made of hurdles or, much oftener, withered Christ's Thorn, depending on what grew in the locality. In the marshes at the mouth of the river Mat withies were interlaced between living willow trees planted like posts in the ditches surrounding the fields. In well-watered areas inland hedges of living Christ's Thorn were common. Walls were usually dry, like Scottish dykes; the more pretentious had their stones bedded in mud. Dry or mud, they were rare round fields, because fences were easier to make and less trouble to maintain. In upland pastures there were neither fences nor walls, presumably because the boundaries were too long. The rules for both fences and walls were pretty much the same.

When an old farmyard was divided between two brothers or cousins who were on friendly terms, their respective portions were separated only by boundary stones. When they were not on friendly terms what they did depended on the degree of their enmity. If not embittered, they built a wall three spans wide (60 cm.) or a fence centred exactly over the boundary line and possibly broken by a door that led from one yard to the other. Each built half of the barrier and became the recognized proprietor of what he built. When it was a wall he made a square niche on his own side to mark his ownership. When it was a fence he had no such material way of safeguarding his rights but could always rely on

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417 public memory. If only one of the two wanted a barrier, he had to
423 build it unaided and entirely on his own ground, leaving the
596 boundary stones on his neighbour's side. In this case its position relative to these stones was enough to show whose it was, but he nevertheless constructed the usual niche on his own side. He could not, however, build the wall right against the boundary stones but had to leave its width free between them and its outer base. For the law said that any rain that fell on a man's house or wall must run off on his own ground and not damage his neighbour's property. It needed no legal compulsion, of course, to make him construct the various buildings in his own yard in such a position that their drips did not damage his fence. Incidentally the 60 cm. of free space served at need for a footpath. When two brothers were embittered, each built a partition wall, naturally without a communicating door.

685 If a man wilfully damaged a tree or other property on his neighbour's land he had to answer for his crime by paying damages. If a stranger who did not know he was trespassing on another's property and was not warned off by a shout from the owner did similar damage, he, too, had to appear before the elders.
[672] But if he could prove ignorance of trespass, he had no damage to
[351] pay. To keep animals under control so that they should not stray to another's property, a wall or at least a fence round the yard was an essential concomitant of a house. This too had to be its own thickness inside its owner's boundary to guarantee that rain drips
[425] did not damage the ground next door. In the Malësi e Madhe the man building the wall could claim any timber that during building operations fell not more than half-way down on his neighbour's side. But whatever fell more than half-way or reached the ground—even the scrap of land he had left himself between the wall and the boundary—became his neighbour's. This discrimination applied to every form of wall.

351 Sometimes when one of two brothers was enclosing his yard he
596 was permitted to utilize his neighbour's wall for one side of his
417 enclosure. There was no risk of this confusing the ownership of the wall, for the neighbour, when building it, had not only put a proprietor's niche on his own side but had also left the boundary stones outside so that they fell within the new yard. A more distant relative could not utilize an existing wall, but had to build one of his own, parallel to the neighbour's and distant by the

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Mat. They were extensive, if not numerous, and must be distinguished from the other state-owned pastures which, also in Turkish times, were added piecemeal to the community's possessions from the confiscated property of tribesmen who had transgressed an important law.

There were both alpine and winter pasturages in private hands in the 1930's, but the former were few and small; examples of these were some meadows on Mt Dragû between Bulqizë and Zerqan, and an upland plateau east of Sllovë in Dibër. The former, carrying 1500 sheep, was owned by Dervish Ali of Fulqet, and the latter, carrying not more than 1000 sheep, by Cen Elezi of Sllovë. Up till 1920, when Prenk Bib Doda Pasha bequeathed all his property to the tribe of Mirditë because he disliked his heir, the Mal i Shenjt (Holy Mountain) above Orosh was the private property of each Hereditary Captain. As for winter pasturages, much of the marshy land from Mamuras to below Durrës was in private hands. Thus the estate known as Cakalë belonged to Abas Kupi of Krujë, and several others near Shijak to members of the Toptan family. Some scandal was caused in the 1920's when three of these were leased for 99 years to Italians. A few meadows, some coppices and all the fields of stubble (for arable land was never owned by the community), complete the tale of winter pasturages which were private property.

Everything else, big and little, on the mountains and the plains, by the river bank and the wayside, belonged to some community. This was usually the nearest. For example, the plateau on the mountain overhanging Zerqan was owned by that village, the upland meadows round Okol in north Shalë by the various wards of Theth, one by each, and the swamps between Gurrëzë and Mamuras by the village of Laç near Milot. A major exception was the summer grazing which belonged to the village of Kuturman in Çermenikë. This pasturage lay twelve hours away on Mount Shebenik, more popularly known as the Mal i Kuq (the Red Mountain) on the eastern frontier between Albania and Yugoslavia. But its acquisition has been accidental. Most of it came as the dowry of a girl of Ricë who was her father's sole surviving heir and who married a man from Kuturman. The rest was subsequently purchased by the village; the copper plate on which its title to this portion was engraved in Turkish, a great curiosity in view of the rarity of title deeds, remained in the possession of Beqir Ali of